

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**MONTGOMERY CARL AKERS,**

**Plaintiff,**

**v.**

**KIM I. FLANNIGAN, ET AL.,**

**Defendants**

**Case No. 2:21-CV-02042-HLT**

**MEMORANDUM AND ORDER**

This matter comes before the court on plaintiff's amended motion for sanctions (Doc. 32). Plaintiff continues to argue that this matter was improperly removed from the state court and to claim that the Assistant United States Attorney who represented some of the defendants in this matter has perpetrated fraud upon the court.

First, to the extent plaintiff continues to assert that this matter was improperly removed from state court, the court denies relief. The court addressed this argument both in its order dismissing this matter and in its order denying plaintiff's motion to alter or amend. Plaintiff offers no argument in the present motion that merits additional discussion.

Likewise, the court addressed, and denied, plaintiff's argument that Rule 11 sanctions should be imposed on the Assistant United States Attorney in its order dismissing this matter. Plaintiff's argument in his amended motion does not present new or persuasive grounds for sanctions.

Due to plaintiff's repetitive and abusive filings, the court advises him that future filings in this matter may be summarily denied, and, if necessary, the court will consider imposing filing restrictions. "[T]he right of access to the courts is neither absolute nor unconditional and there is no constitutional right of access to the courts to prosecute an action that is frivolous

or malicious.” *Tripati v. Beaman*, 878 F.2d 351, 353 (10th Cir. 1989) (per curiam) (internal and subsequent citations omitted).

THE COURT THEREFORE ORDERS that plaintiff’s amended motion for sanctions (Doc. 32) is denied.

IT IS SO ORDERED.

Dated: July 19, 2021

/s/ Holly L. Teeter  
HOLLY L. TEETER  
UNITED STATES DISTRICT JUDGE